

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3497

IN THE MATTER OF:

Served May 3, 1990

Application of ATE MANAGEMENT AND)
SERVICE COMPANY, INC., for)
Temporary Authority)

Case No. AP-90-16

By application filed April 10, 1990, ATE Management and Service Company, Inc. (applicant), seeks temporary authority to transport passengers in charter operations pursuant to contract with the Friendship Heights Village Council between points in Montgomery County, MD.

Order No. 3487, served April 13, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3487 served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 14 no later than April 23, 1990. No protests to the application were received by the Commission.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearing or other proceeding, if it finds that there is an immediate and urgent need for the service proposed by the application and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985; See also Order Nos. 2440, 2448, 2864, and 3221, served July 8, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application, thereby indicating its ability and willingness to provide the service proposed by applicant, the Commission finds that no other carrier is capable of meeting the need for the proposed service. It is further found, based on the evidence of record as described in Order No. 3487, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That ATE Management and Service Company, Inc., is hereby conditionally granted 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers

in charter operations pursuant to contract with the Friendship Heights Village Council between points in Montgomery County, MD, as more fully described in Order No. 3487, such transportation to be pursuant to contract dated February 15, 1990, and any continuous extensions, modifications, and amendments thereto.


2. That ATE Management and Service Company, Inc., is hereby directed to file with the Commission, no later than 30 days from the service date of this order (a) an equipment list stating make, model, serial number, license plate number (with jurisdiction), and vehicle identification number for each vehicle to be used in the proposed operations; (b) proof that all vehicles to be used in the proposed operations are registered with and have been inspected by a signatory jurisdiction to the Compact; (c) an affidavit certifying compliance with Commission Regulation No. 67 governing identification of vehicles; (d) evidence of ownership or a lease in conformance with Commission Regulation No. 69, as appropriate, for each vehicle to be used in the proposed operations; and (e) two copies of its WMATC Tariff No. AP-90-16 as proposed and in the form prescribed by Commission Regulation No. 55.

3. That upon compliance with the requirements of the preceding paragraph within the time set therefor, or such additional time as the Commission may direct or allow, the Executive Director shall notify ATE Management and Service Company, Inc., in writing, that it may commence operations pursuant to temporary authority, whereupon the grant of temporary authority contained herein shall become effective.

4. That the temporary authority granted herein, once effective, shall expire Friday, November 2, 1990, unless otherwise ordered by the Commission.

5. That unless ATE Management and Service Company, Inc., complies with the requirements of this order within 30 days from date of service of this order or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director 